

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LAURA OWENS and JENNIFER
JONES,

Plaintiffs,

v.

UNIVERSITY OF TEXAS AT TYLER,

Defendant.

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Case No. 6:20-cv-372-JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


Before the Court is Defendant University of Texas at Tyler's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Docket No. 5). The Court referred the motion to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636 for proposed findings of fact and recommendations for disposition. Docket No. 8. On December 7, 2020, Judge Love issued a Report and Recommendation recommending that Defendant's motion to dismiss be denied. Docket No. 9. The Report and Recommendation also informed the parties of their right to object within fourteen days of service. *Id.*; *see also* 28 U.S.C. § 636(b)(1)(C). Defendant has not objected.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Where objections are not filed in the prescribed period, as here, the Court reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 9) as the findings of this Court. Accordingly, it is hereby **ORDERED** that the Defendant's Motion to Dismiss (Docket No. 5) is **DENIED**.

So **ORDERED** and **SIGNED** this 12th day of **January, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE